



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We make Indiana a cleaner, healthier place to live.*

Frank O'Bannon  
Governor

Lori F. Kaplan  
Commissioner

August 21, 2003

100 North Senate Avenue  
P. O. Box 6015  
Indianapolis, Indiana 46206-6015  
(317) 232-8603  
(800) 451-6027  
[www.IN.gov/idem](http://www.IN.gov/idem)

TO: Interested Parties / Applicant

RE: Essroc Materials, Inc.  
017-16313-00005

FROM: Paul Dubenetzky  
Chief, Permits Branch  
Office of Air Quality

## Notice of Decision: Section 112(j) Applicability Determination

Please be advised that on behalf of the Commissioner of the Department of Environmental Management, I have issued a decision regarding the enclosed matter. Pursuant to IC 4-21.5-3-5 (f) this order is effective fifteen (15) days after it is served. When served by U.S. mail, the order is effective three (3) calendar days from the mailing of this notice pursuant to IC 4-21.5-3-2(e).

If you wish to challenge this decision, IC 4-21.5-3-7 requires that you file a petition for administrative review. This petition may include a request for stay of effectiveness and must be submitted to the Office of Environmental Adjudication, ISTA Building, 150 W. Market Street, Suite 618, Indianapolis, IN 46204, **within (18) eighteen days of the mailing of this notice**. The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing:

- (1) the date the document is delivered to the Office of Environmental Adjudication (OEA);
- (2) the date of the postmark on the envelope containing the document, if the document is mailed to OEA by U.S. mail; or
- (3) the date on which the document is deposited with a private carrier, as shown by receipt issued by the carrier, if the document is sent to the OEA by private carrier.

The petition must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision or otherwise entitled to review by law. Please identify the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, date of this notice and all of the following:

- (1) the name and address of the person making the request;
- (2) the interest of the person making the request;
- (3) identification of any persons represented by the person making the request;
- (4) the reasons, with particularity, for the request;
- (5) the issues, with particularity, proposed for consideration at any hearing; and
- (6) identification of the terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing documents of the type issued by the Commissioner.

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178. Callers from within Indiana may call toll-free at 1-800-451-6027, ext. 3-0178.

Enclosure

112J DET.wpd 10/22/02



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Mr. Hector Ybanez  
ESSROC Cement Corporation  
S.R. 25 South  
3084 West C.R. 225 South  
Logansport, IN 46947

61-50 DW

Re: Response to Review Request No. 16313:  
Section 112(j) Applicability Determination  
Plant ID: 017-00005

Dear Mr. Ybanez:

ESSROC Cement Corporation, located at S.R. 25 South, 3084 West C.R. 225 South in Logansport, Indiana, submitted a request for an applicability determination regarding the requirements of Section 112(j) of the Clean Air Act (CAA) on May 15, 2002. The letter was submitted in accordance with 40 CFR 63.52(d)(1) and requested that the Indiana Department of Environmental Management, Office of Air Quality (IDEM, OAQ) determine if ESSROC Cement Corporation is subject to the requirements of Section 112(j) (40 CFR 63.50 through 63.56) for the Brick and Structural Clay Products Manufacturing and Clay Ceramics Manufacturing source categories.

Pursuant to 40 CFR 63.50, the requirements of Section 112(j) will apply only if your entire source is a major source of hazardous air pollutants (HAPs) and one or more of your processes or emissions units belong in a category or subcategory for which the United States Environmental Protection Agency (U.S. EPA) has failed to promulgate an emission standard on or before the Section 112(j) deadline.

## MAJOR SOURCE DETERMINATION

The information submitted in the Part 1 MACT Application indicates that ESSROC Cement Corporation is a major source of HAPs. In addition, the draft Title V permit, T017-6033-00005, for ESSROC Cement Corporation indicates that the source is a major source of HAPs. Since ESSROC Cement Corporation is a major source of HAPs, IDEM, OAQ evaluated the source categories for which ESSROC Cement Corporation requested an applicability determination.

## SOURCE CATEGORY DETERMINATION

### **Brick and Structural Clay Products Manufacturing and Clay Ceramics Manufacturing NESHAPs**

ESSROC Cement Corporation requested a Section 112(j) applicability determination to confirm that the processes including quarrying and grinding of clay for use as raw material in the portland cement manufacturing process at ESSROC Cement Corporation do not belong to the affected source categories, Brick and Structural Clay Products Manufacturing and Clay Ceramics Manufacturing. The proposed rules for the Brick and Structural Clay Products Manufacturing NESHAP, published on July 22, 2002, indicated that the U.S. EPA does not anticipate proposing and promulgating MACT standards for the clay minerals processing industry (67 FR 47896). The final MACT standards for the Brick and Structural Clay Products Manufacturing and Clay Ceramics Manufacturing source categories were promulgated on May 16, 2003. The final MACT standards do not regulate clay minerals processing. Therefore, the processes including quarrying and grinding of clay materials for use as raw material in the portland cement manufacturing process are not currently covered by a MACT standard. In addition, since clay minerals processing was never listed as a separate source category under Section 112(c) of the CAA, U.S. EPA did not have a

deadline to issue a MACT standard for the clay minerals processing source category, and the source category is not subject to Section 112(j).

ESSROC Cement Corporation is not subject to Section 112(j) for the Brick and Structural Clay Products Manufacturing and Clay Ceramics Manufacturing source categories. ESSROC Cement Corporation will not be required to submit a Part 2 MACT Application in accordance with 40 CFR 63.53(b) for these affected source categories. If ESSROC Cement Corporation is subject to Section 112(j) for any other source categories, ESSROC Cement Corporation shall submit a Part 2 MACT Application for those source categories.

If U.S. EPA promulgates a final MACT standard prior to IDEM, OAQ issuing a permit containing the Section 112(j) determination requirements, a source is no longer subject to Section 112(j) for that source category, including the requirement to submit a Section 112(j) Part 2 MACT Application. A source is still subject to Section 112(j) for any other source categories that do not have promulgated MACT standards.

This determination is based on the information provided by ESSROC Cement Corporation, IDEM, OAQ records, and the information currently available from the U.S. EPA. Note that if additional equipment or capacity is added or operational practices are changed (e.g., switching solvents from a solvent that contains no HAPs to a solvent containing HAPs), the Section 112(j) requirements may be triggered in accordance with 40 CFR 63.52(b). If the events described in 40 CFR 63.52(b) occur at the source, ESSROC Cement Corporation shall submit a Part 1 MACT Application in accordance with the requirements and schedule contained in 40 CFR 63.52(b).

Questions should be directed to Rebecca Mason, IDEM, OAQ, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana, 46206-6015, or call (800) 451-6027 and ask for Rebecca Mason at extension or 3-9664, or dial (317) 233-9664.

Sincerely,

Original signed by

Paul Dubenetzky, Chief  
Permits Branch  
Office of Air Quality

KLC/RM

CC: File – Cass County  
Cass County Health Department  
Air Compliance – Dave Rice  
Air Permits – Nisha Sizemore  
Administration Section  
U.S. EPA Region V – Genevieve Damico

Mr. Jim Hauck  
Barnes and Thornburg  
11 South Meridian Street  
Indianapolis, IN 46204-3535